

DIVISION CIRCULAR 28
(Administrative Code N/A)

DEPARTMENT OF HUMAN SERVICES
DIVISION OF DEVELOPMENTAL DISABILITIES

EFFECTIVE DATE: August 2, 1999

DATE ISSUED: August 2, 1999

(Rescinds Division Circular #28 issued on November 19, 1994)

- I. **TITLE:** **TIME OUT ROOMS**
- II. **PURPOSE:** To provide policies and procedures for the use of time out rooms.
- III. **SCOPE:** This circular applies to all components of the Division and provider agencies under contract with or regulated by the Division.

This circular applies only to the use of a room that is designed and utilized exclusively for time out purposes. All other time out procedures such as those at a person's work station, or temporarily withdrawing an individual from an activity, or sending a person to his or her bedroom are activities not bound by this circular but shall follow the provisions of Division Circular 34.

IV. POLICIES:

Time out rooms may be utilized as an aversive behavior modification technique that is part of an approved behavior modification plan.

The least restrictive means to manage a person's behavior shall be employed.

A physician shall certify that the use of a time out room is not medically contraindicated.

Development of a time out room by a Division component or provider agency requires specific prior authorization of the Division Director.

Approval for development of a time out room shall be granted only if the division component or provider agency has procedures for the use of time out room in its approved behavior modification manual.

Time out room shall not be used for the convenience of staff or as a substitute for programming.

The use of a locked room shall be prohibited. Under no circumstance may an individual be locked unattended in any room. (Except as specifically authorized by the Division Director in the Moderate Security Unit).

A time out room shall be utilized only where the general program environment provides positive reinforcement for appropriate behavior.

V. GENERAL STANDARDS

- A.** Definitions – For the proposed of this circular, the following terms shall have the meaning defined herein:

Contingent Release – means releasing an individual from the time out room only upon the display of the desired effect.

Desired Effect – means predetermined positive behavioral criteria, which is individually determined and defined in the written behavioral plan. (E.g. two minutes of quiet).

Physical Distress – means the individual is having difficulty breathing, is choking, has vomited, appears to be in pain, is bleeding, unconscious, discolored extremities or is engaging in self injurious behavior that could lead to injury. Such and other similar manifestations (fainting, turning blue) must be investigated to insure the safety of the individual.

Time-In Environment – means the environment the individual is in when not in the time out room. This must be enriched with opportunities for reinforcement to provide a contrast between the time in and time out environment.

Time Out – means removing an individual form the opportunity for positive reinforcement.

Time Out Room – means one type of time out procedure that involves the use of a room set aside for the exclusive purpose of providing a place where the person is removed from the possibility or opportunity for positive reinforcement for a brief period of time. The individual is prevented from exiting by the continuous presence of staff.

B. No individual receiving services shall be permitted to place or assist in the placement of another person in a time out room.

C. Physical Standards for Time Out Rooms

1. The room shall be free from opportunities for positive reinforcement.
2. The minimum size of the room shall be 50 square feet.
3. Ceiling height shall not be less than 7 feet.
4. The room shall be free from any obvious safety hazards.
5. There shall be adequate natural or artificial ventilation and lighting of the room at all times. Lighting shall be equivalent to that rendered by a 75-watt light.
6. Lighting shall be protected to prevent tampering by the individual.
7. There shall be no light switch in the time out room.
8. In order to facilitate individual observation, the room shall be designed with a window in the door or a viewing port and/or parabolic mirror(s). Materials used in the viewing area shall be unbreakable or adequately protected.
9. All electrical outlets shall be made inoperable or inaccessible. Cages or exposed outlets shall be prohibited.
10. Door latches shall be prohibited except for devices which are so designed as to require a staff member to operate the device at all times. The device shall be designed so that, if a staff member leaves, the device would immediately disengage to allow the individual to exit the time out room (For example, an inverted hasp).

11. Except for carpeting on the floor or padding on the walls, no other furnishing shall be provided. If carpeting or padding is used, it shall have a one-hour fire rating.
12. The door to the time out room shall be metal or solid core and shall open outward.

VI. PROCEDURES:

A. Approval Process

1. An agency that intends to construct or renovate a room to be used for time out shall notify the Division Director in writing.
2. If the agency does not have an approved behavior modification manual, that manual shall be submitted for approval.
3. An on-site inspection of the room and approval by authorized Division staff shall be required before the room may be used as a time out room.
4. Upon approval, the Division Director shall:
 - a. Provide the facility with written notice that the use of the time out room is permitted.
 - b. Provide a copy of the approval notice to the Division component having a need to know (Licensing and Inspections, Community Services, Guardianship).
5. If the request is disapproved, the Division Director shall inform the facility in writing and specify reasons for that decision.

B. Use of a Time Out Room

1. Any use of a time out room shall be based upon the development of a behavior plan in accordance with Division Circular 34.
2. The agency shall have internal procedures which set forth the safeguards contained in sections B, C, D, & E of this circular.

3. Placement of an individual into a time out room shall be accomplished only by personnel who have received in-services training in the use of the room, its purpose and its limitations. A record of personnel trained to do so shall be maintained by the facility or component that operates the time out room.
4. The individual shall be continuously observed while in the time out room.
5. Staff may prevent the exit of an individual from a time out room. Exit shall be prevented by holding a door shut (not locked) or by use of a mechanical device attached to the door which requires the staff's presence at all times to employ the device.
6. Only one individual shall be in a time out room at one time.
7. Mechanical restraints as defined in Division Circular 20 shall not be used in conjunction with a time out room.
8. Safeguarding equipment as defined in Division Circular 20 may be used in conjunction with a time out room.
9. Use of time out shall be periodically reviewed by the Human Rights Committee of the component or agency.

C. Duration of Time Out

1. The duration of time out shall be individually determined and added to the behavior plan.
2. The duration of time out shall be the shortest time period to produce the desired effect.
3. Generally, duration of 1 to 15 minutes is sufficient to produce the desired effect.
4. The maximum allowable duration is one hour.
5. There may be extraordinary situations that created an exception to the one-hour maximum duration. The one hour maximum may be exceeded only:
 - a. If the hour is not long enough to produce a documented reduction in the target behavior;

- b. during the first two weeks of implementation of time out; and
 - c. a member of the BMC shall monitor no less than weekly.
- 6. If the one hour duration is exceeded during the first two weeks of implementation:
 - a. The maximum aggregate time in a time out room within a twenty four hour period must not exceed six hours.
 - b. The description, frequency and intensity of the behavior, which precludes the individual from being released from time out, shall be documented.
 - c. The number of times the duration exceeds one hour shall be documented.
 - d. The duration of each use of the time out room, which exceeds one hour, shall be documented.
 - e. The frequency and intensity of the target behavior shall be documented.
- 7. For continuation of the use of the time out room after the initial four week period, regardless of the length of time spent in a time out room, all of the following must have occurred:
 - a. A decrease in the amount of time an individual spends in time out over the four week period;
 - b. A decrease in the frequency and/or intensity of the behavior precluding the individual from being released from time out;
 - c. A decrease in the frequency and/or intensity of the target behavior; and
 - d. An increase in the percentage of time an individual is in the Time In environment vs. Time Out environment of the four-week period.

D. Criteria for Release from the Time Out Room

1. Contingent release is the release of choice unless circumstances require non-contingent release (E.g. individual is in physical distress).
2. If the person appears to be in physical distress, he or she shall be released immediately and given appropriate care.
3. The criteria for release from the time out room must be individually determined and written in the individual's behavior management plan.
4. The time period of appropriate behavior required for release from the time out room must be assessed continually.

E. Provision for Movement to the Time Out Room

1. The procedure used to assist an individual to the time out room must be specified and written in the behavior management plan.
2. Staff must be trained in the above procedure.
3. The amount of time between the occurrence of the target behavior and the entrance to the time out room must be documented.
4. The efficacy of the procedure must be assessed continually.

_____/s/_____
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Deputy Commissioner

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